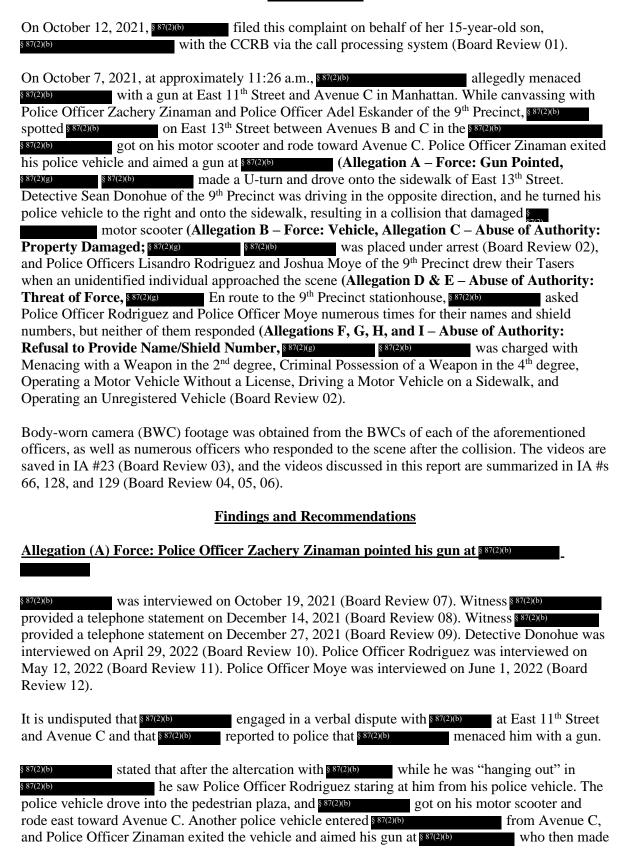
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	▼ I	Force	☐ Discou	ırt.	U.S.
Jean Paul Lozada		Squad #2	202106151	☑ A	Abuse	O.L.		☑ Injury
Incident Date(s)		Location of Incident:		Pr	ecinct:	18 Mo. SO	L	EO SOL
Thursday, 10/07/2021 11:26 AM		East 13th Street, between Avenue B and Avenue C			09	4/7/2023		4/7/2023
Date/Time CV Reported		CV Reported At:	How CV Reported	: I	Date/Time	Received at (CCR	В
Tue, 10/12/2021 2:24 PM		CCRB	Call Processing System	7	Γue, 10/12	2/2021 2:24 F	PM	
Complainant/Victim	Туре	Home Addre	ss					
Witness(es)		Home Addre	ess					
								Ī
Subject Officer(s)	Shield	TaxID	Command					
1. PO Zachery Zinaman	16519	960081	009 PCT					
2. DTS Sean Donohue	01723	932565	009 PCT					
3. PO Joshua Moye	27006	968653	009 PCT					
4. PO Lisandro Rodriguez	09145	968433	009 PCT					
Witness Officer(s)	Shield No	o Tax No	Cmd Name					
1. PO Adel Eskandar	07264	961520	009 PCT					
2. SGT James Keating	04284	932845	009 PCT					
Officer(s)	Allegatio	n			Inve	stigator Rec	com	mendation
A.PO Zachery Zinaman	Force: Po § 87(2)(b)	lice Officer Zachery Zi	naman pointed his g	gun at				
B.DTS Sean Donohue	Force: De	etective Sean Donohue s with a vehicle.	struck ^{§ 87(2)(b)}					
C.DTS Sean Donohue	Abuse: Detective Sean Donohue damaged § 87(2)(b) property.							
D.PO Lisandro Rodriguez	Abuse: Police Officer Lisandro Rodriguez threatened an individual with the use of force.							
E.PO Joshua Moye		olice Officer Joshua Mo ise of force.	ye threatened an inc	dividu	ıal			
F.PO Lisandro Rodriguez	Abuse: Po	olice Officer Lisandro F to ^{§ 87(2)(6)}	Rodriguez refused to	prov	ide			
G.PO Lisandro Rodriguez		olice Officer Lisandro F number to ^{§ 87(2)(6)}	Rodriguez refused to	prov	ide			
H.PO Joshua Moye	Abuse: Po	olice Officer Joshua Mo 87(2)(b)	ye refused to provid	de his				

Officer(s)	Allegation	Investigator Recommendation
I.PO Joshua Moye	Abuse: Police Officer Joshua Moye refused to provide his shield number to § 87(2)(b)	

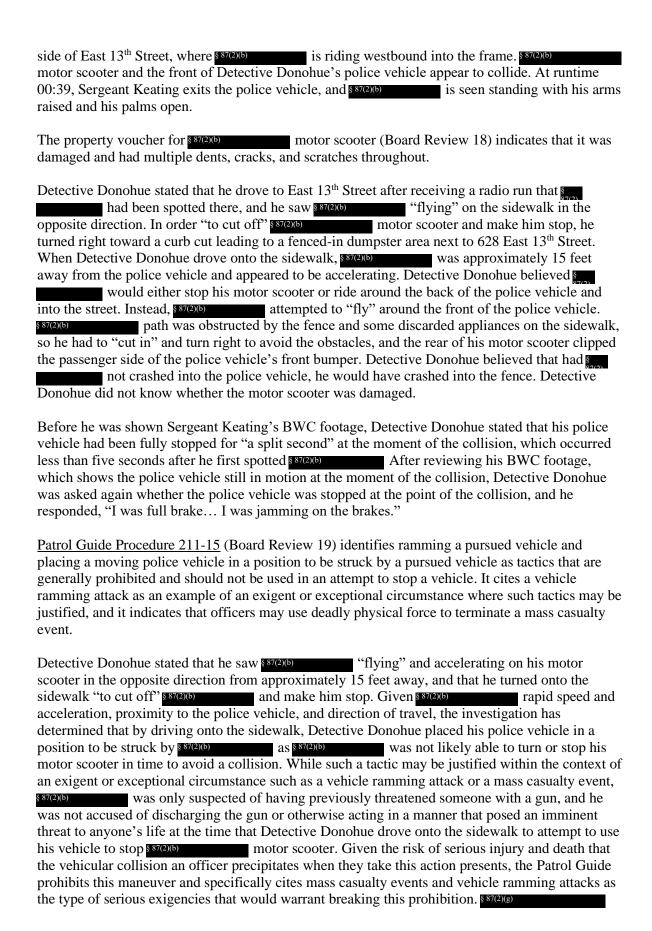
Case Summary



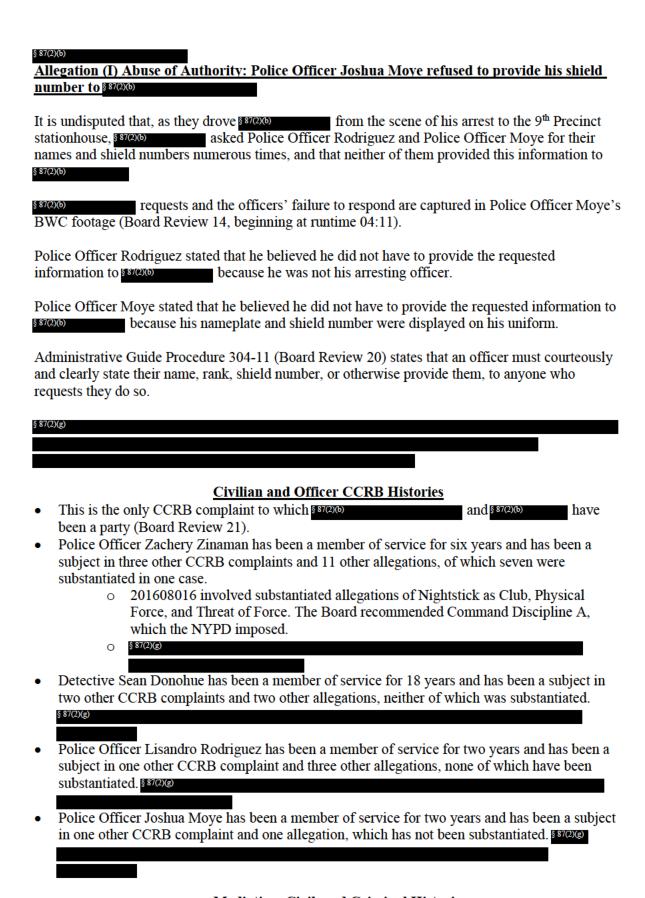
a U-turn and rode in the opposite direction.

In Police Officer Zinaman's BWC footage (Board Review 13), at runtime 09:51, Police Officer Adel Eskander, who is driving a police vehicle with Police Officer Zinaman and street inside, turns onto East 13th Street. Police Officer Zinaman asks, "Is that him there?" who is in the back seat to canvass for says, "Yes." At runtime 09:57, Police Officer Zinaman exits his police vehicle and runs toward says, "Yes." Police Officer Zinaman aims his gun at and yells "Stop!" as says, "Stop!" as begins turning around and riding away on his motor scooter.
Patrol Guide Procedure 221-01 (Board Review 15) states that the decision by an officer to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present.
as the suspect while canvassing in Police Officer Zinaman's police vehicle. When Police Officer Zinaman ran toward he turned around and attempted to flee on his motor scooter.
Allegation (B) Force: Detective Sean Donohue struck \$3000 with a vehicle. Allegation (C) Abuse of Authority: Detective Sean Donohue damaged \$3000 property.
It is undisputed that while was riding his motor scooter westbound on the sidewalk on the south side of East 13 th Street Detective Donohue spotted him and turned his police vehicle from the street onto the sidewalk, and that the motor scooter and the police vehicle collided on the sidewalk.
stated that he was riding his motor scooter at approximately 25 miles per hour on the sidewalk when he saw Detective Donohue drive toward him on East 13 th Street. Approximately three seconds later, Detective Donohue made a sharp right turn from the street onto the sidewalk and struck motor scooter with the passenger side of its front bumper, knocking off the motor scooter and onto the ground. Indeed on his back, side, and neck, and he sustained pain and a scrape to his elbow. The front of struck his motor scooter was totaled (The motor scooter was still in police custody at the time of struck his motor scooter was totaled (The motor scooter was still in police custody at the time of struck his motor scooter was totaled did not sign and return a HIPAA for the CCRB to obtain struck have no injuries were found and records).
Medical Treatment of Prisoner Report (Board Review 24) indicates that he and requested medical treatment for pain to his back, neck, and arm.
statements were generally consistent with statements with

Sergeant James Keating of the 9th Precinct was seated in the passenger seat of Detective Donohue's police vehicle during the incident. At runtime 00:24 of Sergeant Keating's BWC footage (Board Review 17), Detective Donohue turns right onto East 13th Street and accelerates east. At runtime 00:34 Police Officer Donohue turns the police vehicle to the right, onto the sidewalk on the south



§ 87(2)(g)
y on (2, ng)
Allegation (D) Abuse of Authority: Police Officer Lisandro Rodriguez threatened with the use of force.
Allegation (E) Abuse of Authority: Police Officer Joshua Moye threatened
with the use of force.
It is undisputed that a crowd of bystanders gathered at the scene after the collision, and that Police Officer Rodriguez and Police Officer Moye aimed their Tasers at one of these bystanders.
stated that after the collision, a crowd of people converged on the scene, got within approximately three to five feet of and said, "What the fuck are you doing?!" Though he did not see any officer draw a gun, he believed an officer did do so and aimed it at the crowd in order to get the crowd to back up. He made no mention of any officer drawing a Taser.
stated that, after the collision, a few dozen people gathered at the scene, and everyone was "going crazy." Neither \$57(2)(0) nor \$57(2)(0) mentioned any officer drawing a gun or a Taser after the collision.
In Police Officer Moye's BWC footage (Board Review 14), at runtime 01:03, one unidentified male is seen tossing his jacket to the ground, running toward and the officers, and screaming incomprehensibly after the collision. Police Officer Moye and Police Officer Rodriguez draw their Tasers and aim them at the male, and Police Officer Rodriguez says, "Back up! Back up!" The male raises his hands, turns around, and walks away.
Both Police Officer Rodriguez and Police Officer Moye acknowledged aiming their Tasers at the individual who approached the scene in order to have him voluntarily back away. Their statements are generally consistent with the BWC footage, but they believed more bystanders were present at this moment.
Patrol Guide Procedure 221-08 (Board Review 16) states that an officer should only use a Taser against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or others actually present. When feasible, the officer should issue a verbal warning prior to discharging the Taser, and that such a warning may be used in conjunction with a laser or arc warning to gain voluntary compliance and prevent the need to use force.
In tossing his jacket to the ground and running toward the officers while shouting, the unidentified male exhibited active aggression, [887@)@
Allegation (F) Abuse of Authority: Police Officer Lisandro Rodriguez refused to provide his name to \$87000
Allegation (G) Abuse of Authority: Police Officer Lisandro Rodriguez refused to provide his
shield number to \$87000 Allegation (H) Abuse of Authority: Police Officer Joshua Moye refused to provide his name to



Mediation, Civil, and Criminal Histories

This complaint was not suitable for mediation. filed a Notice of Claim with the City of New York claiming serious physical injuries, deprivation of liberty, severe emotional distress, mental trauma, anguish, shame, humiliation, and indignity, and he is seeking \$2 million as redress (Board Review 22). A copy of the 50-H hearing transcript has been requested and will be added to the case file upon receipt.							
Squad:	02						
Investigator:	JP Lozada Signature	SI Jean-Paul Lozada Print Title & Name	06/07/2022 Date				
Squad Leader:	Alexander Opoku-Agyemang Signature	IM Opoku-Agyemang Print Title & Name	6/7/2022 Date				
Reviewer:	Signature	Print Title & Name	Date				